



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTH CENTRAL REGIONAL OFFICE

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September 30, 2008

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Steven A. Dietrich
Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO JULIAN'S DRYCLEANING REGISTRATION NUMBER 30933

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1309 and 10.1-1316, between the State Air Pollution Control Board and Julian's Drycleaning for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the Regulations for the Control and Abatement of Air Pollution.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1301 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Order.
6. "Julian's Drycleaning" means Julian's Drycleaning, certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
7. "Facility" means the Julian's Drycleaning facility, located in Pittsylvania County, Virginia.

8. “SCRO” means the South Central Regional Office of DEQ, located in Lynchburg, Virginia.
9. “O & M” means operations and maintenance.
10. “Regulations” mean the Regulations for the Control and Abatement of Air Pollution, located in the Virginia Administrative Code (“VAC”), 9 VAC 5-10-10 *et seq.*
11. “Virginia Air Pollution Control Law” means the laws located in the Virginia Code (“Va. Code”) (1950), as amended, Va. Code § 10.1-1300 *et seq.*

SECTION C: Findings of Fact and Conclusions of Law

1. Julian's Drycleaning owns and operates a facility in Pittsylvania County, Virginia. This facility is subject to 9 VAC 5-20-160 which requires that stationary sources provide emissions information by April 15 for the previous calendar year.
2. Since the facility became subject to air regulations in 1993, DEQ has noted numerous apparent violations of the Air Pollution Control Law and regulation cited above. The most recent occurrence, described in a Notice of Violation issued by DEQ May 12, 2008, includes:
 - Not submitting an Annual Update Report by the required submission date for calendar year 2007.
3. Julian's Drycleaning has corrected the deficiency cited in the Notice of Violation by submitting an updated and signed Annual Update Report for calendar year 2007 on August 29, 2008.
4. For the purpose of resolving the Notice of Violation and avoiding repeat violations in the future, Julian's Drycleaning agrees to undertake the action listed in Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §§ 10.1-1307, 10.1-1309, 10.1-1184, 10.1-1316, orders Julian's Drycleaning, and Julian's Drycleaning agrees, to perform the actions described in Appendix A of this Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Julian's Drycleaning, for good cause shown by Julian's Drycleaning, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Julian's Drycleaning by DEQ on May 12, 2008. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not

preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

3. For purposes of this Order and subsequent actions with respect to this Order, Julian's Drycleaning admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Julian's Drycleaning consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Julian's Drycleaning declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Julian's Drycleaning to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Julian's Drycleaning shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Julian's Drycleaning shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Julian's Drycleaning shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance;
and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Julian's Drycleaning. Notwithstanding the foregoing, Julian's Drycleaning agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Julian's Drycleaning. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Julian's Drycleaning, from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below Julian's Drycleaning voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 28th day of OCTOBER, 2008.

Steven A. Dietrich
Steven A. Dietrich, Regional Director
Department of Environmental Quality

Julian's Drycleaning voluntarily agrees to the issuance of this Order.

By: D. M. Wyatt
Date: 10-14-08

Commonwealth of Virginia, City/County of Danville

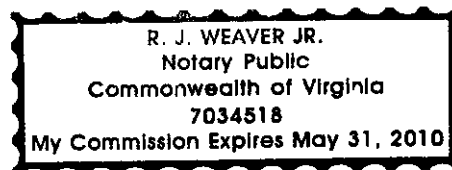
The foregoing document was signed and acknowledged before me this 14th day of

October, 2008, by Douglas M. Wyatt, who is
(name)

President of Julian's Drycleaning on behalf of the Corporation.
(title)

[Signature]
Notary Public

My commission expires: May 31, 2010.



APPENDIX A

1. Julian's Drycleaning shall discontinue using the perchloroethylene dry cleaning machine located within the facility. In order to demonstrate disuse, the facility operator shall disconnect the dry cleaning machine from water, steam, and electrical supplies so that it is visibly inoperable within thirty days of signing this Order.
2. When the machine is disconnected, Julian's Drycleaning shall request in writing to the Regional Director of the SCRO within thirty days of signing this Order, a Mutual Shutdown Determination applicable to the perchloroethylene dry cleaning machine.
3. The dry cleaning machine located at the facility shall remain visibly inoperable for as long as the facility is open for business under the current ownership, pursuant to Section E.11. of this Order.
4. Julian's Drycleaning shall allow the DEQ, in accordance with Virginia Air Pollution Control Law and the Regulations for the Control and Abatement of Air Pollution, to periodically inspect the facility to verify that is in compliance with this Order with regard to the perchloroethylene dry cleaning machine.
5. Julian's Drycleaning shall legally dispose of the remaining perc waste and spent filters contaminated with perc in accordance with RCRA Subpart C and Virginia hazardous waste law and regulations.